

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BUFFALO BILLS, LLC,

Plaintiff,

v.

Civil No.1:20-CV-00023-LJV

VINCENT CACCAMO,  
STEPHANIE CACCAMO,  
APS SOLUTIONS, INC.,

**DECLARATION IN OPPOSITION  
TO REQUEST FOR DEFAULT  
JUDGMENT**

Defendants.

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Paul G. Joyce, under 28 U.S.C. § 1746 and subject to penalty for perjury, hereby declares and states as follows:

1. I am an attorney with the law firm of Colucci & Gallaher, P.C.
2. Colucci & Gallaher was recently been engaged by defendants Stephanie and Vincent Caccamo in this matter.
3. The Caccamos contacted me after they had received notice of the default granted by the Clerk. See Exhibit A, Caccamo Declaration.
4. I submit this declaration in opposition to Plaintiff's request for a default judgment for a sum certain and in support of the Caccamos' request that the default be vacated.
5. As set forth in Plaintiff's application and the complaint, the state court judgment that the Plaintiff is seeking to enforce was obtained by default judgment against non-party Arenas, Parks & Stadiums, Inc.
6. Neither Stephanie nor Vincent Caccamo were parties in the state court action.

7. Pursuant to the New York State Secretary of State, the defendant in the state court action, Arenas, Parks & Stadiums, Inc., is an active domestic business corporation with a principal executive office at 45 Nicole Lane, Wingdale, New York 12594.

8. Arenas, Parks & Stadiums, Inc. was not named as a defendant in this matter, despite it being the state court judgment debtor.

9. It is readily apparent that the Arenas, Parks & Stadiums, Inc. was not named as a defendant in order to obtain diversity jurisdiction.

10. Fundamentally, Plaintiff is using this Court in an attempt to pierce the corporate veil after obtaining a state court judgment through default.

11. However, and contrary to the allegations set forth in the complaint, the Caccamos have never owned or operated a company named APS Solutions, Inc. See Exhibit A.

12. Because the Caccamos have never owned or operated the alleged “successor in interest” to Arenas, Parks & Stadiums, Inc. (*See* ECF Doc. No. 1, ¶¶4, 26, 27, 28, 29, 34, 35), the underlying claim that APS Solutions, Inc. is the *alter ego* of the Caccamos and that the Caccamos fraudulently transferred assets of Arenas, Parks & Stadiums, Inc. to APS Solutions, Inc. is incorrect.

13. For the above reasons, as well as those set forth in the accompanying memorandum of law, the Caccamos respectfully request that the default be vacated, they be permitted to respond to the complaint, and that this matter be determined on the merits.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 22<sup>nd</sup> day of June, 2020.

/s/ Paul G. Joyce

Paul G. Joyce